



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCE:

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HERITAGE COMMISSIONS FOR NEW HAMPSHIRE COMMUNITIES

HERITAGE COMMISSIONS *give local governments in New Hampshire new abilities to recognize and protect historical and cultural resources.*

Unlike historic district commissions, whose responsibilities are limited to specific parts of a community, heritage commissions are intended to have a town-wide or city-wide scope, and a range of activities that is determined by each individual municipality. Heritage commissions do for cultural resources what conservation commissions do for natural resources. Functionally, heritage commissions are somewhere between historical societies and historic district commissions, with their precise role determined locally. And while their primary duties are to advise and assist other local boards and commissions, including the planning board, heritage commissions are also empowered to accept and expend funds for a non-lapsing heritage fund, and to acquire and manage property and property rights.

Some communities may have heritage commissions that are only advisory, but others will want their commissions to take a much more active role, and to assume the responsibilities of a historic district commission. And all of these are local decisions, authorized by the state enabling legislation: it gives communities a MENU, NOT A MANDATE.

The "heritage commission" concept provides communities with broader choices for the form and function of a municipal heritage body:

- no entity (nothing at all);
- a heritage commission only, with community-wide but non-regulatory responsibilities;
- a historic district commission only, with regulatory responsibilities limited to designated districts;
- both a broadly focused non-regulatory heritage commission and a more narrowly focused, regulatory historic district commission; or
- a heritage commission (or historic district commission) that *combines* the functions of *both* entities.

The heritage commission statutes are "local option" legislation. They enable communities to establish heritage commissions with educational, advisory, and technical responsibilities; and, *if desired*, to merge an

existing historic district commission with the heritage commission (or to give an existing historic district commission the additional responsibilities of a heritage commission), so that the commission would also have regulatory powers within locally-designated historic districts.

1995 legislation brought the membership requirements of conservation commissions, historic district commissions, and heritage commissions into conformity; it also specifically stated that members of these commissions may serve on other municipal boards and commissions. This clarification was made to help communities especially those with few available volunteers that wish to establish parallel conservation and preservation commissions; and it will also make citizens' expertise more widely available to a broader range of local decision making bodies.

For the first time, New Hampshire's municipalities can choose a level of official involvement in heritage activity that each community is comfortable with. And they will also be able, if they wish, to start out with a heritage commission and then, as local preservation sentiment grows, assign historic district responsibilities to the commission.

One of the other innovations of the heritage commission legislation is that it allows municipalities to establish a non-lapsing HERITAGE FUND which the heritage commission can spend after a public hearing and subject to approval of the local governing body, without going back to the town meeting or citywide balloting to acquire property and property interests (easements, etc.). However, to protect private property rights, neither the municipality nor the commission can condemn property for acquisition with the Heritage Fund.

This is an exact analogue to the conservation fund provisions (RSA 36-A:4 and RSA 36-A:5) which have been in effect, very successfully, for municipal conservation commissions for over thirty years. The heritage commission is also responsible to "manage and control" the acquired property, just as the conservation commission manages and controls the property *IT* acquires under RSA 36-A:4 and RSA 36-A:5.